

REMARKS

In the Final Office Action mailed May 3, 2006 in the above case, claims 1-10, 14-19 and 21 were examined. The Office Action notes the priority claim amendment to the specification listed the wrong year of filing of European Patent Application No. 02425609.1, and therefore was not entered. Claims 13, 14, and 21 are rejected under 35 U.S.C. 112, 2nd paragraph, for lacking antecedent basis. Claims 1-7, 9-10, 13-19 and 21 are now rejected as obvious over *Skeirik* (U.S. Patent No. 5,197,114) with *Okamoto* (U.S. Patent No. 6,582,841). Claim 8 is rejected as obvious over *Skeirik* and *Masuda* (U.S. Patent No. 5,165,010) combined with *Okamoto*.

By the amendments above, claims 1, 13, 14 and 21 are amended, claim 4 is cancelled and claims 22-25 are newly added. Reconsideration and withdrawal of the rejections are respectfully requested in view of the above amendments and the remarks which follow.

A. Amendment to the Specification Adds Priority Information from Declaration as Originally Filed and Listed on Filing Receipt.

The Declaration as filed and the Filing Receipt as mailed included reference to a priority claim to European Patent Application No. 02425609.1. Consistent with the requirement noted in the Office Action, the specification has been amended above to include a reference to European Patent Application No. 02425609.1. In view of the prior reference to this priority claim in the Declaration and the Filing Receipt, neither a petition nor a petition fee is required.

B. Rejection of Claims 13, 14 and 21 Under 35 U.S.C. § 112, 2nd Paragraph, is Addressed.

Claims 13, 14 and 21 have been amended to address phraseology relating to lack of antecedent basis. In most cases, "the" has been replaced with "a". Withdrawal of the § 112, 2nd paragraph rejections is respectfully requested.

C. Anticipation Rejection of Claims 1-7, 9-10, 13-19 and 21 over *Sheirik* in View of *Okamoto* is Addressed

Claims 1-7, 9-10, 13-19 and 21 stand rejected as obvious over *Sheirik* in view of *Okamoto*. This rejection is respectfully traversed in view of the amendment to independent claim 1, which now recites:

wherein said acquisition module comprises a functional module for calculating, according to the value of at least one of said characteristic parameters of the controlled system an address for storing said at least one control parameter.

as well as the amendment to independent claim 14, which now recites:

calculating, according to the value of at least one of said characteristic parameters of the controlled system an address for storing said at least one control parameter,

Support for the amendments to claims 1 and 14 is found, *inter alia*, in cancelled claim 4, and on page 8, lines 2-17.

Neither *Sherik* nor *Okamoto* contains any teaching or suggestion relating to use of a control system or method, as now claimed, in conjunction with fuel cells. In particular, actually “calculating” an address based upon at least one of the characteristic parameters as taught in the present invention and now claimed is not deemed to be taught or suggested in *Sheirik* (nor in *Okamoto*, not cited for this purpose). Thus, as amended, independent claims 1 and 14 are patentably distinct over the combination of *Sherik* and *Okamoto*. Dependent claims 2-7, 9-10, 13-19 and 21 contain this same patentably distinct feature and are also deemed to distinguish over the combination of *Sherik* and *Okamoto*.

Accordingly, withdrawal of the rejection of claims 1-7, 9-10, 13-19 and 21 is proper and respectfully requested.

D. Obviousness Rejection of Claim 8 over *Sheirik* in view of *Masuda* and *Okamoto* is Addressed

Claim 8 stands rejected as being unpatentable over *Sheirik* in view of *Masuda* and *Okamoto*. Claim 8 is indirectly dependent upon amended claim 1 and therefore also includes all of the limitations of amended claim 1 set forth above. Claim 8 is therefore also deemed to be patentable for the reasons given above with respect to claim 1. Accordingly, withdrawal of the rejection of claim 8 is therefore respectfully requested.

E. New Dependent Claims 22-24 Added.

New claims 22 and 23, dependent on claim 1, had been added which recite limitations relating to the functional module of claim 1. New claims 24 and 25, dependent on claim 14, have been added, which claim features of the address calculation recited in claim 14. Support for these amendments is found

at page 8, lines 2-17. No new matter is added thereby. In addition to the limitations added, claims 22-25 are distinguishable over the references of record for the reasons given above relative to claims 1 and 14.


F. Conclusion.

In view of the above amendments, all claims now being in form for allowance, such action is respectfully requested. Should any issues remain, the Examiner is kindly asked to telephone the undersigned.

Enclosed herewith is a check in the amount of \$840.00 which includes the large entity \$790.00 RCE fee and the \$50.00 fee for 1 claim in excess of 20. Any fee deficiency associated with this filing may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

May 12, 2006



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